

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

FILED
CLERKS OFFICE
2004 SEP 22 P 3:25

VICTOR P. CAPALDI
Plaintiff

v.

F/V GEORGIE J, her engines, boilers, equipment,
machinery, tackle, furnishings, apparel, appurtenances,
etc., including, but not limited to, its commercial fishing
licenses, permits, limited entry rights, quotas, moratorium
permits/licenses, and all other fishing rights, history,
privileges, or entitlements arising from, issued to,
attaching to, or appurtenant to said vessel, *in rem*
Defendant

U.S. DISTRICT COURT
DISTRICT OF MASS.

Civil Action
No. 04-10843-JLT

ORDER FOR INTERLOCUTORY SALE OF F/V GEORGIE J ON OCTOBER 20, 2004

Now comes, Plaintiff, Victor Capaldi, and, by and through is attorney, submits a proposed order for Interlocutory Sale of the F/V GEORGIE J on October 20, 2004.

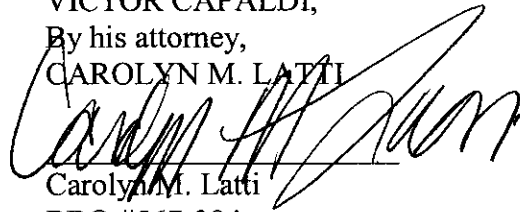
Pursuant to the Court's order at the conference on September 13, 2004, attached is a proposed order, *Exhibit A*, for this Honorable Court to endorse. The Court needs to pick a date and time for the confirmation hearing and fill it in on the order.

WHEREFORE, Plaintiff requests that this Honorable Court endorse the attached order.

9-22-04
Victor P. Capaldi
Attorney for Plaintiff

Respectfully submitted,
VICTOR CAPALDI,

By his attorney,
CAROLYN M. LATTI

A handwritten signature in black ink, appearing to read 'Carolyn M. Latti', is written over a horizontal line.

Carolyn M. Latti

BBO #567-394

David F. Anderson

BBO #560-994

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30-31 Union Wharf

Boston, MA 02109

Tel. (617) 523-1000

DATED: September 22, 2004

**UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS**

VICTOR P. CAPALDI
Plaintiff

v.

**F/V GEORGIE J, her engines, boilers, equipment,
machinery, tackle, furnishings, apparel, appurtenances,
etc., including, but not limited to, its commercial fishing
licenses, permits, limited entry rights, quotas, moratorium
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attaching to, or appurtenant to said vessel, *in rem***
Defendant

**Civil Action
No. 04-10843-JLT**

ORDER FOR INTERLOCUTORY SALE OF F/V GEORGIE J ON OCTOBER 20, 2004

TO THE UNITED STATES MARSHAL FOR THE DISTRICT OF MASSACHUSETTS
OR HIS DEPUTIES:

WHEREAS, the expenses of the attachment and the keeping of the defendant vessel, F/V GEORGIE J. (O.N. 502064), *in custodia legis* are continuing and include the fees of the United States Marshals Service and the court-appointed substitute custodian; and

WHEREAS, Plaintiff has shown good cause for an interlocutory sale and that it is in the best interests of all concerned parties that defendant vessel be sold;

Accordingly it is hereby ORDERED:

That the Defendant vessel, F/V GEORGIE J. (O.N. 502064) her engines, boilers, equipment, machinery, tackle, furnishings, apparel, appurtenances, etc., including, but not limited to, its commercial fishing licenses, permits, limited entry rights, quotas, moratorium permits/licenses, and all other fishing rights, history, privileges, or entitlements arising from, issued to, attaching to, or appurtenant to said vessel, (hereinafter referred to as the "Vessel"), shall be sold by the United States Marshal for the District of Massachusetts, or one of his deputies, at public auction, free and clear of all liens and encumbrances, to satisfy the costs and expenses of the United States Marshals Service, the substitute custodian, and Plaintiff herein, and to satisfy, in whole or in part, the judgment which Plaintiff and any other interested parties seek to have entered against the said Vessel in this matter.

YOU ARE THEREFORE COMMANDED TO:

1. Sell the defendant vessel, F/V GEORGIE J. (O.N. 502064), her engines, boilers, equipment, machinery, tackle, furnishings, apparel, appurtenances, etc., including, but not limited to, its commercial fishing licenses, permits, limited entry rights, quotas, moratorium permits/licenses, and all other fishing rights, history, privileges, or entitlements arising from, issued to, attaching to, or appurtenant to said vessel, arising from, issued to, attaching to, or appurtenant to the said vessel, at public auction for the highest price that can be obtained, free and clear of all liens and encumbrances.

2. The sale which is subject to confirmation by the District Court is to be held upon or adjacent to the Vessel which is located at Fairhaven Shipyard & Marina, Inc., 50 Fort Street, Fairhaven, Massachusetts 02719 on October 20, 2004 at 12:00 pm time.
3. Require Plaintiff to give notice of the date, time, and place of the sale to (i) the vessel owner and all mortgages and lien holders of record with the United States Coast Guard's National Vessel Documentation Center, by first class mail; (ii) the public-at-large by advertising same at least once per week for two successive weeks in the New Bedford Standard Times and the Boston Herald, the first notice to be published at least seven (7) days prior the date of sale;
4. That the United States Marshal be directed to require at said sale to have a minimum bid of \$1,000,000.00;
5. Require the highest qualified bidder at the sale, a person eligible to own a documented vessel under Title 46 of the United States Code, to deposit with the United States Marshals Service the sum of \$20,000.00 in cash or certified or bank check payable to the United States Marshal for the District of Massachusetts, with the balance to be paid at or before the confirmation hearing.
6. Pay or deliver into the Registry of the District Court any and all monies or notes received as a result of the sale.
7. Prepare such documents and reports as may be necessary for the confirmation of sale by the District Court. The confirmation hearing shall be held at the United

States District Court for the District of Massachusetts at Boston on November _____, 2004 at _____. The time and date of the confirmation shall be set forth in the notice of sale to the owner of the vessel, the mortgagees, the lien holders of record, and shall be announced to the public-at-large at the sale.

Dated at Boston, Massachusetts on this _____ day of _____, 2004.

Judge Joseph L. Tauro

Dated: